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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION
HONORABLE GEORGE H. WU, U.S. DISTRICT JUDGE

MOOG, INC.,

Plaintiffs,

vs.

Case No. CV 22-9094

SKYRYSE, INC., et al,

Defendants.

/

REPORTER'S TRANSCRIPT OF
STATUS/SCHEDULING CONFERENCE
Thursday, March 2, 2023
8:30 a.m.
LOS ANGELES, CALIFORNIA

TERRI A. HOURIGAN, CSR NO. 3838, CCRR
FEDERAL OFFICIAL COURT REPORTER
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1 **LOS ANGELES, CALIFORNIA; THURSDAY, MARCH 2, 2023**

2 **8:30 a.m.**

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6 THE COURT: Let me call the matter of *Moog versus*
7 *Skyryse*. Let me have appearances starting with plaintiff.

8 MR. ANDERSON: Thank you, Your Honor. Travis
9 Anderson for Moog, also in attendance is in-house counsel
10 Justin Goeke for Moog.

11 THE COURT: All right. For the defense?

12 MR. GROSS: Good morning, Your Honor. This is
13 Gabriel Gross from Latham and Watkins for the defendant and
14 counter-claimant Skyryse, and with me on the line are Joseph
15 Lee and Arman Zahoory.

16 MR. GREEN: Good morning, Your Honor. For the
17 defendant Robert Alin Pilkington and Misook Kim is Anthony
18 Green.

19 THE COURT: We are here for a status conference.
20 I'm going to be referring to the parties' joint status report
21 which is at Docket No. 365. If you have it, you can pull it in
22 front of me you.

23 I would note that the case was originally filed
24 on March the 7th of 2022, in the Western District of New York.
25 It was transferred to this Court on December 20th of 2022, and

1 there are a lot of items that were either pending while the
2 case was transferred here and/or there are items that one side
3 or the other want to bring by way of motion or some other form
4 to this Court, and you have listed most of those on your joint
5 status report.

6 So these are my orders insofar as those are
7 concerned:

8 Starting on page 2, Lines 10 and 11, any motions
9 to compel and any discovery motions, I'm referring to the
10 Magistrate Judge. And so if the parties want to place those
11 matters back on calendar, contact the Magistrate Judge and get
12 the Magistrate Judge's schedule and place them on the
13 Magistrate Judge's calendar.

14 As also on page 2 through the top of page 3,
15 there is currently pending the defendant's motions to dismiss
16 and the plaintiff's motions to dismiss counter-claims, both are
17 set for April 13th.

18 Those motions will be also set on those dates. I
19 have no problem with hearing those on April the 13th.

20 On page 3, Lines 5 through 16, the plaintiff is
21 talking about a motion for preliminary injunction hearing to be
22 set some time in September of this year, although, the
23 plaintiff also intends to circulate a proposed stipulated
24 injunction which may vitiate the necessity for a motion for
25 preliminary injunction.

1 Either way is fine; if the parties can stipulate
2 to some sort of injunction, that would most likely be
3 acceptable to the Court, and if not, if the plaintiff wants to
4 make a motion for preliminary injunction to be heard in
5 September of 2023, that is also fine with the Court, just
6 follow the regular rules in terms of filing, et cetera.

7 Also on page 3, Lines 18 through 22, insofar as
8 the defendant's position with regards to pending motions and
9 discovery, I have already indicated what my position is on
10 those, and so I won't need to say anything further other than
11 what I have already said.

12 As to the individual defendant's position on page
13 3, Lines 24 through 27, the same, I don't think I need to say
14 anything more, I have already covered those items.

15 As to page 4, insofar as the plaintiff's
16 intentions insofar as new motions insofar as discovery is
17 concerned, again, I would refer any of those to the Magistrate
18 Judge, so contact the Magistrate Judge, and set them according
19 to the Magistrate Judges's schedule.

20 As to page 6, non-discovery motions, first of
21 all, the Court will, at the end of this, set a Rule 26(f)
22 scheduling conference, and I think that needs to be done as
23 soon as possible, but insofar as non-discovery motions, the
24 parties are free to file non-discovery motions directly with
25 the Court on any dates they want.

1 If the Court has a problem with a proposed date,
2 it will reset the hearing, and also if a party files too many
3 motions, what the Court will do at that point in time is to
4 still allow motions to be filed by that party, but I will limit
5 the opening brief to three pages and the reply brief to three
6 pages, and I will give the opposition eight pages, but I will
7 only do that once I have made a determination that there has
8 been too many motions filed by a particular party or both
9 parties.

10 As to page 8, insofar as the defendant's motion
11 to enforce Court's order compelling a particularized trade
12 secret identification, this is a discovery dispute, so
13 therefore, I would reference it to the Magistrate Judge.

14 And also on page 8, starting on Line 22, the
15 motion to enforce a source code order, that is also discovery.
16 I reference it to the Magistrate Judge.

17 Insofar as the defense would seek a motion to
18 stay the civil action, that would be -- could be filed directly
19 with this Court, and I will entertain it when it's currently
20 set.

21 The defendant is proposing a March 30th date, I
22 will not be here on March the 30th, otherwise, I would
23 entertain it at that point in time. I will be out at a
24 conference starting on March the 29th, and I will be back on
25 the 6th of April, so the nearest date to the 30th would

1 probably be April the 13th for that motion.

2 As to the defendant's motion for expedited
3 discovery, that is a discovery motion, I will set it to the
4 Magistrate Judge.

5 Similar to compel interrogatories, to compel
6 production of documents, confidentiality designations as well
7 and any purported failure to preserve relevant evidence, that
8 is a discovery dispute that goes to the Magistrate Judge.

9 And then on page 11, the plaintiffs anticipate a
10 motion for preliminary injunction, et cetera, or to enforce the
11 March 11th, 2022 stipulations. As I have indicated the parties
12 are free to file that with the Court, and I will rule on it in
13 due course.

14 Then the last thing that I think we need to
15 discuss is the date for a Rule 26(f) scheduling conference.

16 So I would ask the parties to give me proposed
17 dates at this point in time for the 26(f).

18 Let me ask the parties, does anybody have any
19 questions?

20 MR. ANDERSON: This is Travis Anderson for Moog.

21 One question, Your Honor, with respect to the
22 preliminary injunction motion, to clarify, Moog has filed a
23 motion for preliminary injunction, it's Docket No. 4.

24 THE COURT: I saw that, but let's put it this way
25 that was done so long ago, that I presume if you are going to

1 be basing it on that, there obviously is not a pressing need
2 for a preliminary injunction since it was filed way back in
3 March of 2022. If it was really that important, I would have
4 thought that something would have happened between now and
5 then.

6 So, if your question is what exactly, in regards
7 to the preliminary injunction, I'm willing to entertain it, but
8 I presume it would not be based on that initial item that was
9 filed with the Court.

10 MR. ANDERSON: Understood, Your Honor. It would be
11 based in part on that motion, but there will be more to add as
12 the result of the additional discovery, et cetera. It's still
13 pretty much of a pressing issue for Moog.

14 It may be resolved by the proposed preliminary
15 injunction that we sent over to the other side, but we don't
16 know yet.

17 THE COURT: Okay.

18 MR. ANDERSON: We would be happy to file a further
19 brief or a new motion for preliminary injunction.

20 THE COURT: Either is fine, but again, it has to be
21 -- you have to schedule it and you have to discuss it with the
22 other side before you file. What else?

23 MR. ANDERSON: Understood, Your Honor.

24 THE COURT: Anything more from the defense?

25 MR. GROSS: Yes, Your Honor. This is Gabe Gross for

1 Skyryse.

2 I had two issues I would appreciate the Court's
3 guidance on, because two of the motions you addressed I think
4 have a very high likelihood impacting everything else in the
5 case, so I would appreciate the Court's guidance on the order
6 of process in which you suggest we deal with them.

7 One is the motion to stay. We will get that in
8 front of the Your Honor as soon as we can, because I think if
9 it's granted, this is a stay pending the investigation and
10 proceedings that U. S. Attorney's Office has underway.

11 If that motion is granted, of course, it could
12 affect everything else and all of the other motions that are
13 going to be coming in front of the Court and in front of the
14 Magistrate Judge. We will get that filed as soon as we can, I
15 just want to bring that to your attention and let you know it
16 does have the possibility of impacting the case proceedings.

17 THE COURT: Let me ask, is the government going to
18 take a position in regards to a stay request?

19 Sometimes the government actually comes in and
20 requests a stay.

21 Do you know if the government is going to do
22 something of that sort?

23 MR. GROSS: I certainly can't speak for the
24 government, but I have every reason to think that they would
25 support a stay because no testimony has been taken in this

1 matter yet, but I understand they have an investigation that is
2 underway, and they may be interested in a stay before they
3 complete their own investigation.

4 THE COURT: All right. Well, obviously, I have
5 indicated you can make the application for a stay and I will
6 entertain it at the time it's made.

7 MR. GROSS: Okay. We will make it as soon as we
8 can.

9 The second item I wanted to bring to the Court's
10 attention is the trade secret identification issue, and if I
11 understand your guidance correctly we will take that to the
12 Magistrate Judge to have the Magistrate rule on it.

13 The situation we're concerned about is actually a
14 little different than the way we recorded it in the joint
15 status report. We have had a chance to dig a little deeper
16 with the team into the trade secret disclosure that the
17 plaintiff provided.

18 The current status of that trade secret
19 identification references something in the order of 300,000 not
20 \$100,000 documents allegedly reflecting trade secrets, and much
21 of the discovery I understand plaintiff would like to proceed
22 with deals with those trade secrets.

23 We think this is unworkable at this point. We
24 will need to cross that bridge as a threshold issue before we
25 can move forward discovery in an orderly manner.

1 We will plan to bring that issue first and
2 foremost to the Magistrate Judge, assuming that is the way you
3 would like us to handle it, but I did want to bring it to the
4 Court's attention, because it has potential to really cascade
5 throughout.

6 THE COURT: I would agree you should bring it to the
7 Magistrate Judge first.

8 MR. GROSS: We will do so. Thank you, Your Honor.

9 THE COURT: Insofar as the date for the 26(f), what
10 I propose to do is I would set this matter for a 26(f) for the
11 16th of March.

12 I would want a joint report by the 13th of March.
13 If it is not possible for the parties to do all of the
14 exchanges that would be required under 26(f), the parties could
15 just indicate to the Court those things that have been
16 exchanged, and the stuff that hasn't been exchanged just to
17 list them and so I understand how far the parties have gone at
18 that point in time, okay?

19 MR. ANDERSON: Your Honor, Travis Anderson, two
20 points.

21 One, with respect to the trade secret
22 identification issues that Mr. Gross identified, under
23 Judge Rocconi's procedures, the parties are required to meet
24 and confer before bringing such a discovery motion. That
25 hasn't happened here.

1 I presume the Court did not intend by saying
2 proceed to Judge Rocconi on that issue.

3 THE COURT: No, I have referred it to the Magistrate
4 Judge. Obviously, the parties have to comply with all of the
5 normal requirements of the motions and things of that sort, so
6 I'm referring those items because they are discovery items to
7 the Magistrate Judge.

8 But part of the -- prior to any motion being
9 filed in this particular district, there has to be a meet and
10 confer between the parties before the filing is done, okay?

11 MR. ANDERSON: Understood. With respect to the
12 pending motions on April 13th, how does the resolve to go a
13 long way to furthering the issues that will be developed at
14 Rule 26(f) scheduling conference, would it make sense to push
15 that conference out to some time in late April?

16 THE COURT: I have -- it doesn't bother me.

17 Why don't I do this, why don't I move the 26(f)
18 from the 13th of April to the 20th of April, and at that time
19 -- because I will rule on the 13th on those motions.

20 You guys can give me a report by noon on the
21 17th.

22 MR. ANDERSON: Very good, Your Honor. Thank you.

23 THE COURT: Gentlemen, have a very nice day.

24 MR. GROSS: Thank you, Your Honor.

25 (The proceedings concluded at 9:38 a.m.)

CERTIFICATE OF OFFICIAL REPORTER

COUNTY OF LOS ANGELES)
STATE OF CALIFORNIA)

I, TERRI A. HOURIGAN, Federal Official Realtime Court Reporter, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the judicial conference of the United States.

Date: 8th day of March, 2023.

/s/ TERRI A. HOURIGAN

TERRI A. HOURIGAN, CSR NO. 3838, RPR, CRR
Federal Court Reporter

\$	5	2:1 application [1] - 10:5 appreciate [2] - 9:2, 9:5 April [8] - 4:17, 4:19, 6:25, 7:1, 12:12, 12:15, 12:18 Arman [1] - 3:15 ARMAN [1] - 2:9 assuming [1] - 11:2 attendance [1] - 3:9 attention [3] - 9:15, 10:10, 11:4 Attorney [1] - 2:5 Attorney's [1] - 9:10 Attorneys [1] - 2:11	Code [1] - 13:9 code [1] - 6:15 coming [1] - 9:13 compel [3] - 4:9, 7:5 compelling [1] - 6:11 complete [1] - 10:3 comply [1] - 12:4 concerned [3] - 4:7, 5:17, 10:13 concluded [1] - 12:25 confer [2] - 11:24, 12:10 conference [7] - 3:19, 5:22, 6:24, 7:15, 12:14, 12:15, 13:13 CONFERENCE [1] - 1:13 confidentiality [1] - 7:6 conformance [1] - 13:13 contact [2] - 4:11, 5:18 correct [1] - 13:10 correctly [1] - 10:11 COUNSEL [1] - 2:1 counsel [1] - 3:9 counter [2] - 3:14, 4:16 counter-claimant [1] - 3:14 counter-claims [1] - 4:16 COUNTY [1] - 13:3 course [2] - 7:13, 9:11 COURT [16] - 1:1, 1:23, 3:6, 3:11, 3:19, 7:24, 8:17, 8:20, 8:24, 9:17, 10:4, 11:6, 11:9, 12:3, 12:16, 12:23 Court [17] - 3:25, 4:4, 5:3, 5:5, 5:21, 5:25, 6:1, 6:3, 6:19, 7:12, 8:9, 9:13, 11:15, 12:1, 13:7, 13:20 Court's [5] - 6:11, 9:2, 9:5, 10:9, 11:4 covered [1] - 5:14 cross [1] - 10:24 CRR [1] - 13:20 CSR [2] - 1:22, 13:20 current [1] - 10:18 CV [1] - 1:7	Date [1] - 13:16 dates [3] - 4:18, 5:25, 7:17 deal [1] - 9:6 deals [1] - 10:22 December [1] - 3:25 deeper [1] - 10:15 DEFENDANT [1] - 2:8 defendant [3] - 3:13, 3:17, 6:21 defendant's [5] - 4:15, 5:8, 5:12, 6:10, 7:2 Defendants [1] - 1:9 defense [3] - 3:11, 6:17, 8:24 designations [1] - 7:6 determination [1] - 6:7 developed [1] - 12:13 Diego [1] - 2:6 different [1] - 10:14 dig [1] - 10:15 directly [2] - 5:24, 6:18 disclosure [1] - 10:16 discovery [16] - 4:9, 5:9, 5:16, 5:20, 5:23, 5:24, 6:12, 6:15, 7:3, 7:8, 8:12, 10:21, 10:25, 11:24, 12:6 discuss [2] - 7:15, 8:21 dismiss [2] - 4:15, 4:16 dispute [2] - 6:12, 7:8 DISTRICT [3] - 1:1, 1:2, 1:3 district [1] - 12:9 District [3] - 3:24, 13:7, 13:8 DIVISION [1] - 1:2 Docket [2] - 3:21, 7:23 documents [2] - 7:6, 10:20 done [3] - 5:22, 7:25, 12:10 Drive [1] - 2:11 due [1] - 7:13	
\$100,000 [1] - 10:20	5 [1] - 4:20				
/	6				
/s [1] - 13:19	6 [1] - 5:20 6th [1] - 6:25				
1	7				
10 [1] - 4:8 11 [2] - 4:8, 7:9 11th [1] - 7:11 12275 [1] - 2:5 13th [7] - 4:17, 4:19, 7:1, 11:12, 12:12, 12:18, 12:19 140 [1] - 2:11 16 [1] - 4:20 16th [1] - 11:11 17th [1] - 12:21 18 [1] - 5:7	753 [1] - 13:9 7th [1] - 3:24				
	8				
	8 [2] - 6:10, 6:14 894-2849 [1] - 1:24 8:30 [2] - 1:14, 3:2 8th [1] - 13:16				
	9				
2	90012 [1] - 1:24 92130 [1] - 2:6 94025 [1] - 2:12 9:38 [1] - 12:25				
2 [4] - 1:13, 3:1, 4:8, 4:14 200 [1] - 2:5 2022 [4] - 3:24, 3:25, 7:11, 8:3 2023 [4] - 1:13, 3:1, 5:5, 13:16 20th [2] - 3:25, 12:18 213 [1] - 1:24 22 [2] - 5:7, 6:14 22-9094 [1] - 1:7 24 [1] - 5:13 26(f) [7] - 5:21, 7:15, 11:9, 11:10, 11:14, 12:14, 12:17 26(f) [1] - 7:17 27 [1] - 5:13 28 [1] - 13:9 29th [1] - 6:24	A				
	a.m [3] - 1:14, 3:2, 12:25 above-entitled [1] - 13:12 acceptable [1] - 5:3 according [1] - 5:18 action [1] - 6:18 add [1] - 8:11 additional [1] - 8:12 addressed [1] - 9:3 affect [1] - 9:12 ago [1] - 7:25 agree [1] - 11:6 al [1] - 1:8 Alin [1] - 3:17 allegedly [1] - 10:20 allow [1] - 6:4 ANDERSON [9] - 2:4, 3:8, 7:20, 8:10, 8:18, 8:23, 11:19, 12:11, 12:22 Anderson [3] - 3:9, 7:20, 11:19 ANGELES [4] - 1:14, 1:24, 3:1, 13:3 Anthony [1] - 3:17 anticipate [1] - 7:9 appearances [1] - 3:7 APPEARANCES [1] -	B			
		based [2] - 8:8, 8:11 basing [1] - 8:1 between [2] - 8:4, 12:10 bother [1] - 12:16 bridge [1] - 10:24 brief [3] - 6:5, 8:19 bring [6] - 4:3, 9:15, 10:9, 11:1, 11:3, 11:6 bringing [1] - 11:24 BY [2] - 2:4, 2:9			
		C			
		calendar [2] - 4:11, 4:13 CALIFORNIA [5] - 1:2, 1:14, 1:24, 3:1, 13:4 California [3] - 2:6, 2:12, 13:8 Camino [1] - 2:5 cascade [1] - 11:4 case [4] - 3:23, 4:2, 9:5, 9:16 Case [1] - 1:7 CCRR [1] - 1:22 Central [1] - 13:8 CENTRAL [2] - 1:2 certainly [1] - 9:23 CERTIFICATE [1] - 13:1 certify [1] - 13:8 cetera [3] - 5:6, 7:10, 8:12 chance [1] - 10:15 circulate [1] - 4:23 civil [1] - 6:18 claimant [1] - 3:14 claims [1] - 4:16 clarify [1] - 7:22			
			D		
			date [5] - 6:1, 6:21, 6:25, 7:15, 11:9		
				E	
				eight [1] - 6:6 either [3] - 4:1, 5:1,	
3					
3 [4] - 4:14, 4:20, 5:7, 5:13 300,000 [1] - 10:19 30th [3] - 6:21, 6:22, 6:25 350 [1] - 1:23 365 [1] - 3:21 3838 [2] - 1:22, 13:20					
4					
4 [2] - 5:15, 7:23 4311 [1] - 1:23					

8:20 El [1] - 2:5 end [1] - 5:21 enforce [3] - 6:11, 6:15, 7:10 entertain [4] - 6:19, 6:23, 8:7, 10:6 entitled [1] - 13:12 et [4] - 1:8, 5:6, 7:10, 8:12 evidence [1] - 7:7 exactly [1] - 8:6 exchanged [2] - 11:16 exchanges [1] - 11:14 expedited [1] - 7:2	granted [2] - 9:9, 9:11 GREEN [1] - 3:16 Green [1] - 3:18 GROSS [7] - 2:10, 3:12, 8:25, 9:23, 10:7, 11:8, 12:24 gross [1] - 11:22 Gross [2] - 3:13, 8:25 guidance [3] - 9:3, 9:5, 10:11 guys [1] - 12:20	intend [1] - 12:1 intends [1] - 4:23 intentions [1] - 5:16 interested [1] - 10:2 interrogatories [1] - 7:5 investigation [3] - 9:9, 10:1, 10:3 issue [5] - 8:13, 10:10, 10:24, 11:1, 12:2 issues [3] - 9:2, 11:22, 12:13 item [2] - 8:8, 10:9 items [5] - 4:1, 4:2, 5:14, 12:6	M Magistrate [18] - 4:10, 4:11, 4:12, 4:13, 5:17, 5:18, 5:19, 6:13, 6:16, 7:4, 7:8, 9:14, 10:12, 11:2, 11:7, 12:3, 12:7 manner [1] - 10:25 MARCH [1] - 3:1 March [10] - 1:13, 3:24, 6:21, 6:22, 6:24, 7:11, 8:3, 11:11, 11:12, 13:16 matter [4] - 3:6, 10:1, 11:10, 13:12 matters [1] - 4:11 meet [2] - 11:23, 12:9 Menlo [1] - 2:12 Misook [1] - 3:17 MOOG [1] - 1:5 Moog [6] - 3:6, 3:9, 3:10, 7:20, 7:22, 8:13 morning [2] - 3:12, 3:16 most [2] - 4:4, 5:2 motion [19] - 4:3, 4:21, 4:24, 5:4, 6:10, 6:15, 6:17, 7:1, 7:2, 7:3, 7:10, 7:22, 7:23, 8:11, 8:19, 9:7, 9:11, 11:24, 12:8 motions [18] - 4:8, 4:9, 4:15, 4:16, 4:18, 5:8, 5:16, 5:20, 5:23, 5:24, 6:3, 6:4, 6:8, 9:3, 9:12, 12:5, 12:12, 12:19 move [2] - 10:25, 12:17 MR [15] - 3:8, 3:12, 3:16, 7:20, 8:10, 8:18, 8:23, 8:25, 9:23, 10:7, 11:8, 11:19, 12:11, 12:22, 12:24 MULLIN [1] - 2:4	5:24 non-discovery [3] - 5:20, 5:23, 5:24 noon [1] - 12:20 normal [1] - 12:5 note [1] - 3:23
F failure [1] - 7:7 far [1] - 11:17 Federal [2] - 13:6, 13:20 FEDERAL [1] - 1:23 file [4] - 5:24, 7:12, 8:18, 8:22 filed [9] - 3:23, 6:4, 6:8, 6:18, 7:22, 8:2, 8:9, 9:14, 12:9 files [1] - 6:2 filing [2] - 5:6, 12:10 fine [3] - 5:1, 5:5, 8:20 FIRST [1] - 1:23 first [3] - 5:20, 11:1, 11:7 follow [1] - 5:6 FOR [2] - 2:3, 2:8 foregoing [1] - 13:10 foremost [1] - 11:2 form [1] - 4:3 format [1] - 13:12 forward [1] - 10:25 free [2] - 5:24, 7:12 front [4] - 3:22, 9:8, 9:13 furthering [1] - 12:13	H HAMPTON [1] - 2:4 handle [1] - 11:3 happy [1] - 8:18 heard [1] - 5:4 hearing [3] - 4:19, 4:21, 6:2 held [1] - 13:11 hereby [1] - 13:8 high [1] - 9:4 Honor [12] - 3:8, 3:12, 3:16, 7:21, 8:10, 8:23, 8:25, 9:8, 11:8, 11:19, 12:22, 12:24 HONORABLE [1] - 1:3 HOURIGAN [4] - 1:22, 13:6, 13:19, 13:20 house [1] - 3:9 HYUK [1] - 2:10	J joint [4] - 3:20, 4:4, 10:14, 11:12 JOSEPH [1] - 2:10 Joseph [1] - 3:14 JUDGE [1] - 1:3 Judge [16] - 4:10, 4:11, 5:18, 6:13, 6:16, 7:4, 7:8, 9:14, 10:12, 11:2, 11:7, 11:23, 12:2, 12:4, 12:7 Judge's [2] - 4:12, 4:13 Judges's [1] - 5:19 judicial [1] - 13:13 Justin [1] - 3:10	N nearest [1] - 6:25 necessity [1] - 4:24 need [5] - 5:10, 5:13, 7:14, 8:1, 10:24 needs [1] - 5:22 New [1] - 3:24 new [2] - 5:16, 8:19 nice [1] - 12:23 NO [2] - 1:22, 13:20 non [3] - 5:20, 5:23,	O obviously [3] - 8:1, 10:4, 12:4 OF [6] - 1:2, 1:12, 2:1, 13:1, 13:3, 13:4 Office [1] - 9:10 OFFICIAL [2] - 1:23, 13:1 Official [1] - 13:6 once [1] - 6:7 One [1] - 11:21 one [3] - 4:2, 7:21, 9:7 oOo [1] - 3:3 opening [1] - 6:5 opposition [1] - 6:6 order [4] - 6:11, 6:15, 9:5, 10:19 orderly [1] - 10:25 orders [1] - 4:6 originally [1] - 3:23 otherwise [1] - 6:22 own [1] - 10:3
G Gabe [1] - 8:25 GABRIEL [1] - 2:10 Gabriel [1] - 3:13 gentlemen [1] - 12:23 GEORGE [1] - 1:3 Goeke [1] - 3:10 government [4] - 9:17, 9:19, 9:21, 9:24	I identification [4] - 6:12, 10:10, 10:19, 11:22 identified [1] - 11:22 impacting [2] - 9:4, 9:16 important [1] - 8:3 in-house [1] - 3:9 INC [2] - 1:5, 1:8 indicate [1] - 11:15 indicated [3] - 5:9, 7:11, 10:5 individual [1] - 5:12 initial [1] - 8:8 injunction [12] - 4:21, 4:24, 4:25, 5:2, 5:4, 7:10, 7:22, 7:23, 8:2, 8:7, 8:15, 8:19 insofar [9] - 4:6, 5:7, 5:15, 5:16, 5:23, 6:10, 6:17, 11:9	K Kim [1] - 3:17	L last [1] - 7:14 late [1] - 12:15 LATHAM [1] - 2:9 Latham [1] - 3:13 Law [2] - 2:5, 2:11 Lee [1] - 3:15 LEE [1] - 2:10 likelihood [1] - 9:4 likely [1] - 5:2 limit [1] - 6:4 line [1] - 3:14 Line [1] - 6:14 Lines [4] - 4:8, 4:20, 5:7, 5:13 list [1] - 11:17 listed [1] - 4:4 LLP [1] - 2:9 LOS [4] - 1:14, 1:24, 3:1, 13:3	P page [12] - 4:8, 4:14, 4:20, 5:7, 5:12, 5:15, 5:20, 6:10, 6:14, 7:9, 13:12 pages [3] - 6:5, 6:6 Park [1] - 2:12 part [2] - 8:11, 12:8 particular [2] - 6:8, 12:9 particularized [1] - 6:11 parties [13] - 4:10, 5:1, 5:24, 6:9, 7:11, 7:16, 7:18, 11:13, 11:14, 11:17, 11:23, 12:4, 12:10 parties' [1] - 3:20 party [3] - 6:2, 6:4, 6:8 pending [5] - 4:1, 4:15, 5:8, 9:9, 12:12 Pilkington [1] - 3:17 place [2] - 4:10, 4:12 plaintiff [6] - 3:7, 4:20, 4:23, 5:3, 10:17, 10:21

<p>PLAINTIFF ^[1] - 2:3 plaintiff's ^[2] - 4:16, 5:15 plaintiffs ^[1] - 7:9 Plaintiffs ^[1] - 1:6 plan ^[1] - 11:1 point ^[5] - 6:3, 6:23, 7:17, 10:23, 11:18 points ^[1] - 11:20 position ^[4] - 5:8, 5:9, 5:12, 9:18 possibility ^[1] - 9:16 possible ^[2] - 5:23, 11:13 potential ^[1] - 11:4 preliminary ^[10] - 4:21, 4:25, 5:4, 7:10, 7:22, 7:23, 8:2, 8:7, 8:14, 8:19 preserve ^[1] - 7:7 pressing ^[2] - 8:1, 8:13 presume ^[3] - 7:25, 8:8, 12:1 pretty ^[1] - 8:13 problem ^[2] - 4:19, 6:1 procedures ^[1] - 11:23 proceed ^[2] - 10:21, 12:2 proceedings ^[4] - 9:10, 9:16, 12:25, 13:11 process ^[1] - 9:6 production ^[1] - 7:6 propose ^[1] - 11:10 proposed ^[4] - 4:23, 6:1, 7:16, 8:14 proposing ^[1] - 6:21 provided ^[1] - 10:17 pull ^[1] - 3:21 purported ^[1] - 7:7 pursuant ^[1] - 13:9 push ^[1] - 12:14 put ^[1] - 7:24</p>	<p>6:16 references ^[1] - 10:19 referred ^[1] - 12:3 referring ^[3] - 3:20, 4:9, 12:6 reflecting ^[1] - 10:20 regards ^[3] - 5:8, 8:6, 9:18 regular ^[1] - 5:6 regulations ^[1] - 13:13 relevant ^[1] - 7:7 reply ^[1] - 6:5 report ^[5] - 3:20, 4:5, 10:15, 11:12, 12:20 reported ^[1] - 13:11 REPORTER ^[2] - 1:23, 13:1 Reporter ^[2] - 13:7, 13:20 REPORTER'S ^[1] - 1:12 request ^[1] - 9:18 requests ^[1] - 9:20 required ^[2] - 11:14, 11:23 requirements ^[1] - 12:5 reset ^[1] - 6:2 resolve ^[1] - 12:12 resolved ^[1] - 8:14 respect ^[3] - 7:21, 11:21, 12:11 result ^[1] - 8:12 RICHTER ^[1] - 2:4 Robert ^[1] - 3:17 Rocconi ^[1] - 12:2 Rocconi's ^[1] - 11:23 ROOM ^[1] - 1:23 RPR ^[1] - 13:20 rule ^[3] - 7:12, 10:12, 12:19 Rule ^[3] - 5:21, 7:15, 12:14 rules ^[1] - 5:6</p>	<p>secrets ^[2] - 10:20, 10:22 Section ^[1] - 13:9 seek ^[1] - 6:17 sense ^[1] - 12:14 sent ^[1] - 8:15 September ^[2] - 4:22, 5:5 set ^[8] - 4:17, 4:18, 4:22, 5:18, 5:21, 6:20, 7:3, 11:10 SHEPPARD ^[1] - 2:4 side ^[3] - 4:2, 8:15, 8:22 similar ^[1] - 7:5 situation ^[1] - 10:13 Skyryse ^[3] - 3:7, 3:14, 9:1 SKYRYSE ^[1] - 1:8 sometimes ^[1] - 9:19 soon ^[4] - 5:23, 9:8, 9:14, 10:7 sort ^[3] - 5:2, 9:22, 12:5 source ^[1] - 6:15 starting ^[4] - 3:7, 4:8, 6:14, 6:24 STATE ^[1] - 13:4 STATES ^[1] - 1:1 States ^[3] - 13:7, 13:9, 13:14 status ^[5] - 3:19, 3:20, 4:5, 10:15, 10:18 STATUS/ SCHEDULING ^[1] - 1:13 stay ^[8] - 6:18, 9:7, 9:9, 9:18, 9:20, 9:25, 10:2, 10:5 stenographically ^[1] - 13:11 still ^[2] - 6:4, 8:12 stipulate ^[1] - 5:1 stipulated ^[1] - 4:23 stipulations ^[1] - 7:11 STREET ^[1] - 1:23 stuff ^[1] - 11:16 suggest ^[1] - 9:6 Suite ^[1] - 2:5 support ^[1] - 9:25</p>	<p>THE ^[16] - 2:3, 2:8, 3:6, 3:11, 3:19, 7:24, 8:17, 8:20, 8:24, 9:17, 10:4, 11:6, 11:9, 12:3, 12:16, 12:23 therefore ^[1] - 6:13 three ^[2] - 6:5 threshold ^[1] - 10:24 throughout ^[1] - 11:5 THURSDAY ^[1] - 3:1 Thursday ^[1] - 1:13 Title ^[1] - 13:9 top ^[1] - 4:14 trade ^[7] - 6:11, 10:10, 10:16, 10:18, 10:20, 10:22, 11:21 TRANSCRIPT ^[1] - 1:12 transcript ^[2] - 13:10, 13:12 transferred ^[2] - 3:25, 4:2 TRAVIS ^[1] - 2:4 Travis ^[3] - 3:8, 7:20, 11:19 true ^[1] - 13:10 two ^[3] - 9:2, 9:3, 11:19</p>	<p>WU ^[1] - 1:3</p> <p>Y</p> <p>year ^[1] - 4:22 York ^[1] - 3:24</p> <p>Z</p> <p>ZAHOORY ^[1] - 2:9 Zahoory ^[1] - 3:15</p>	
<p>Q</p> <p>questions ^[1] - 7:19</p>	<p>S</p> <p>San ^[1] - 2:6 saw ^[1] - 7:24 schedule ^[3] - 4:12, 5:19, 8:21 scheduling ^[3] - 5:22, 7:15, 12:14 Scott ^[1] - 2:11 second ^[1] - 10:9 secret ^[5] - 6:12, 10:10, 10:16, 10:18, 11:21</p>	<p>T</p> <p>team ^[1] - 10:16 terms ^[1] - 5:6 TERRI ^[4] - 1:22, 13:6, 13:19, 13:20 testimony ^[1] - 9:25</p>	<p>U</p> <p>U.S ^[1] - 1:3 under ^[2] - 11:14, 11:22 Understood ^[1] - 8:10 understood ^[2] - 8:23, 12:11 underway ^[2] - 9:10, 10:2 United ^[3] - 13:7, 13:9, 13:14 UNITED ^[1] - 1:1 unworkable ^[1] - 10:23</p>	<p>V</p> <p>versus ^[1] - 3:6 vitiate ^[1] - 4:24 vs ^[1] - 1:7</p>	<p>W</p> <p>wants ^[1] - 5:3 WATKINS ^[1] - 2:9 Watkins ^[1] - 3:13 WEST ^[1] - 1:23 Western ^[1] - 3:24 willing ^[1] - 8:7</p>